

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

v.

ROBERT T. BROCKMAN

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Criminal No. 4:21-cr-00009

[PROPOSED] COMPETENCY HEARING AMENDED SCHEDULING ORDER

Whereas, on August 11, 2021, the defense moved for the appointment of a neutral court-designated expert to conduct any further court-ordered examination of Mr. Brockman and for the disqualification of the United States' experts previously designated by the Court ("Motion"). Dkt. No. 105.

Whereas, during the Status Conference on September 13, 2021, the Court denied that Motion in its entirety. Trans. at 38-39. Dkt. No. 136.

Whereas, the government has now requested to conduct an additional examination of Mr. Brockman in advance of the competency hearing scheduled for November 15, 2021.

Whereas, the defense objects to any further examination by the United States' court-designated experts for the reasons set forth in its Motion and supporting Reply. Dkt. Nos. 105 and 122.

Whereas, in light of the Court's ruling on the Motion at the September 13 Status Conference, the defense has consulted with the government to resolve logistical issues and agreed to the dates set forth below to the extent the Court orders further examination by the United States' court-designated experts over the defense's continuing objection.

Upon consideration of the above and the Government's request to amend the Scheduling Order, IT IS HEREBY ORDERED:

1. The Defendant shall undergo further psychiatric or psychological examination by the United States' experts previously designated by the Court pursuant to Title 18, United States Code, sections 4241(b) and 4247(b). Dkt. No. 59.

2. The psychiatric or psychological examination shall be conducted on a non-custodial basis in this District and shall be completed no later than October 20, 2021.

3. The examiners shall prepare written reports pursuant to the provisions of sections 4247(c), and the reports shall be filed under seal and provided along with the underlying data to counsel for both parties by no later than October 27, 2021.

4. Any additional expert reports from the defense and the underlying data shall be disclosed to the government no later than October 27, 2021.

5. Apart from the amended dates set forth above, the Court's prior orders regarding the examination shall remain in effect.

6. Nothing in this Order constitutes waiver by the defendant of his continuing objection to the previous examination and to any further examination by the United States' court-designated experts.

Date: _____

HONORABLE GEORGE C. HANKS
UNITED STATES DISTRICT JUDGE